IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 2888 of 2007(R)

AGAINST THE ORDER IN OS 130/01 IN
EP.56/2005 of MUNSIFF COURT, VADAKARA

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PETITIONER:

C.RAVEENDRAN, S/O KANNAN, CHERUVATH HOUSE
P.O.VILLIAPPILLY, VADAKARA.

BY ADV. SRI.M.NARENDRA KUMAR

RESPONDENTS:

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1. PUNJAB NATIONAL BANK, REPRESENTED BY
ITS PRINCIPAL OFFICER, SENIOR MANAGER,
VADAKARA BRANCH.

2. K.RAGHAVAN, S/O.KUMARAN,
OTHAYAOTH HOUSE, P.O.PONMERI PARAMBIL
PONMERI AMSOM, PARAMBIL DESOM,
VATAKARA TALUK.

BY ADV. SRI.K.P.SUDHEER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE EXECUTION PETITION FILED BY THE FIRST RESPONDENT.
EXT.P2	TRUE COPY OF THE APPLICATION FILED BY THE PETR.
EXT.P3	TRUE COPY OF ORDER DTD.6.1.2007.

RESPONDENT'S EXHIBITS:

EXT.R1(a)	TRUE COPY OF ORDER IN EP 56/2005 IN O.S.130/2001 ISSUED BY THE MUNSIFF'S COURT, VATAKARA.

M.N.KRISHNAN, J.

WP(C)No. 2888 OF 2007 R

Dated this the 20th June, 2007.

JUDGMENT

This writ petition is filed seeking to quash Ext.P3. The writ petitioner is the second respondent in E.P.56/05 in O.S.130/01. At the outset I may like to point out that the writ petition is filed by suppressing or at least not producing the basic order. An execution was filed against two respondents for realisation of the decree amount by way of arrest and detention in civil prison. This respondent and the first respondent in the E.P entered appearance before the court and pleaded no means. Thereafter the court proceeded to conduct an enquiry to find out the means. The Bank Manager of the plaintiff was examined as P.W.1. So far as this writ petitioner is concerned the court found that he is having 30 cents of land and a house in his ownership and possession in one Cheruvoth Paramba. The court also found that the second respondent owns two buses and that he has not disputed the evidence given by P.W.1 that the second respondent owned the buses. The present writ petitioner even did not mount the box to controvert the evidence tendered by P.W.1. So, as the matter stands, there is evidence before the court that the present writ petitioner is a person who is having landed

property and houses. In such circumstances, the court found that he is having sufficient means to pay and he is neglecting to pay the amount and therefore ordered arrest. I do not find any infirmity with the said order. Then the present writ petitioner moved an application for recalling the warrant which was rightly dismissed by the court below. Therefore, the order passed by the court below is confirmed. But, if the writ petitioner wants to pay off the decree debt and as the bank is only in particular to get the amount, I direct the executing court to grant him a period of six weeks from today to pay the amount and in case the amount is not paid, the decree holder is at liberty to move the court for arrest and detention of the writ petitioner in civil prison. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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